## DETAILED ACTION

1. The disclosure is objected to because of the following informalities: headings for each of the sections should be included such as “brief description of the drawings” etx.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**3.** Claims 1, 4-6, 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, on lines 5-6, it is unclear what is meant by “the part of the sensor which extends into the melt” since there is no depiction in fig. 1 of any part of the sensor 1 extending into the melt 5. In claim 4, it is unclear how it is recited that the heating device is “in the area of the bore surrounding the sensor" since in claim 1, it is indicated that the heating device is “integrated in” the sensor which is inconsistent. In claim 9, again this claim is inconsistent with claim 1 recitations of the heating device “integrated in” the sensor.

### *Claim Rejections - 35 USC § 103*

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1, 4-6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP-28752 (Okidaka). As to claim 1, as best understood, Okidaka discloses a measuring jig/element 1 for recording values in a melt such as pressure and temperature which “can be” inserted into the bore (unnumbered and surrounding positioning ring 3) of a wall surrounding the cavity which receives the melt via spool/sprue 2, wherein a heating device (heater 5) is integrated in the jig/element 1 so that the parts of the jig/element surrounded by the bore are heated, see fig. 1 and translation. Further, it is noted that Okidaka et al does not refer to measuring jig/element as a “sensor”. Furthermore, it is also noted that no further limitations are given to the “sensor” in the claims other than merely labeling the apparatus as a “sensor” with no further sensing limitations such that it is considered an intended usage only. Therefore, since the element 1 is defined as a "measuring" element which contains temperature measuring sensor 9 in Okidaka, it would have been obvious to one of ordinary

skill in the art at the time of the invention to have determined that the measuring element/jig 1 in Okidaka could be designated a “sensor”, as well, since it houses measuring/sensing element 9. As to claim 4, as best understood, it appears that the heater extends to the area of the bore surrounding the sensor. As to claim 5, note thermocouple 10 which is used to control the temperature of the heater 5, note par[012] of translation. As to claim 6, the usage of the thermocouple suggests electrical heating. As to claim 8, note par[011] referring to prevention of solidification of the resin. As to claim 9, as best understood, note the sleeve (positioning ring 3) around the heater.

### *Response to Arguments*

6. Applicant's arguments with respect to claims 1, 4-6, 8 and 9 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nashmiya S. Fayyaz whose telephone number is 571-272-2192. The examiner can normally be reached on Tuesdays and Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. S. F./

Examiner, Art Unit 2856

/Hezron Williams/

Supervisory Patent Examiner, Art Unit 2856